

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JAN 10 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2011-0213-PR
	)	2 CA-CR 2011-0287-PR
Respondent,	)	(Consolidated)
	)	DEPARTMENT B
v.	)	
	)	<u>MEMORANDUM DECISION</u>
CHARLES SCOTT TAYLOR,	)	Not for Publication
	)	Rule 111, Rules of
Petitioner.	)	the Supreme Court
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause Nos. S1100CR200701800 and S1100CR200800485 (Consolidated)

Honorable Robert C. Brown, Judge Pro Tempore

REVIEW GRANTED; RELIEF DENIED

James P. Walsh, Pinal County Attorney  
By Jill M. Sosin

Florence  
Attorneys for Respondent

Charles Scott Taylor

Florence  
In Propria Persona

ESPINOSA, Judge.

¶1 Following a jury trial, petitioner Charles Taylor was convicted of sexual conduct with a minor under fifteen years of age, sexual abuse of a minor under fifteen, molestation of a child under fifteen, and, in a related matter that was consolidated with

the other charges, two counts of witness tampering. The trial court sentenced him to a combination of aggravated and presumptive, concurrent and consecutive prison terms totaling fifty-two years.<sup>1</sup> We affirmed Taylor’s convictions and sentences on appeal. *State v. Taylor*, Nos. 2 CA-CR 2008-0194, 2 CA-CR 2008-0195 (consolidated) (memorandum decision filed Oct. 14, 2009).

¶2 After Taylor’s attorney filed a notice citing *Montgomery v. Sheldon*, 181 Ariz. 256, 260, 889 P.2d 614, 618 (1995), stating she had “identified no colorable claims” to raise in a petition for post-conviction relief, Taylor filed a supplemental, pro se petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., which the trial court denied. Taylor subsequently filed another pro se Rule 32 petition, which the court also denied. In separate petitions for review, which we have consolidated, Taylor now challenges the court’s denial of those petitions. “We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). We find no abuse here.

¶3 On review, Taylor claims appellate counsel was ineffective in general, and specifically in failing to challenge the trial court’s denial of his motion to change trial counsel. He also maintains the court abused its discretion by denying his motion to change trial counsel and asserts the imposition of consecutive sentences was illegal.<sup>2</sup> In

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<sup>1</sup>The record does not support Taylor’s assertion his sentences totaled sixty-one years.

<sup>2</sup>To the extent Taylor has attempted to raise a claim of ineffective assistance of his current Rule 32 counsel in his petition for review, Taylor can hardly show counsel’s conduct was ineffective before this proceeding has concluded. In any event, we decline

order to state a colorable claim of ineffective assistance of counsel, a defendant must establish that counsel's performance fell below an objectively reasonable professional standard and that the deficient performance was prejudicial to the defense. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *State v. Nash*, 143 Ariz. 392, 397, 694 P.2d 222, 227 (1985).

¶4 Based on the record before us, we cannot say the trial court abused its discretion in denying Taylor's petition for post-conviction relief. The court did so in two detailed and thorough minute entry orders that clearly identified Taylor's arguments and correctly ruled on them in a manner that will allow any future court to understand their resolution. We therefore approve and adopt the court's rulings and see no need to restate them here. *State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶5 Because the trial court did not abuse its discretion by denying post-conviction relief, we grant the petition for review but deny relief.

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge

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to address this claim because Taylor did not present it to the trial court. *See* Ariz. R. Crim. P. 32.9(c).